

“Except in highly unusual circumstances, the administrative law judge shall not award compensation for the period of time prior to the filing date of the application.”

The Administrative Law Judge clearly had jurisdiction to determine the appropriate dates of temporary total disability benefits in accordance with the above-quoted regulation. The appeal does not, therefore, state a jurisdictional issue and the Appeals Board does not have jurisdiction to review this appeal. K.S.A. 1996 Supp. 44-534a and 44-551.

Claimant's counsel argues that the Appeals Board does have jurisdiction in accordance with principles set forth in Winters v. GNB Battery, et al., ___ Kan. App. 2d ___, (11-22-1996). In that case, the Court of Appeals reversed the Appeals Board's decision not to accept jurisdiction of a decision to assess costs of appointment of a neutral physician. The current case, however, presents an issue squarely within the limited jurisdiction provisions specified in K.S.A. 44-551 for appeals from preliminary hearing orders. Because the appeal does not state a jurisdictional issue, the Appeals Board concludes it does not have jurisdiction to consider the appeal at this point.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order by Administrative Law Judge Bruce E. Moore dated January 17, 1997, remains in effect as originally entered.

IT IS SO ORDERED.

Dated this ____ day of March 1997.

BOARD MEMBER

c: Cortland Q. Clotfelter, Wichita, KS
James M. McVay, Great Bend, KS
Bruce E. Moore, Administrative Law Judge
Philip S. Harness, Director